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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,006	02/04/2000	Dr. Paddy Jim Baggot	249/127	9604

22249 7590 06/17/2002

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[REDACTED] EXAMINER

JOHANNSEN, DIANA B

ART UNIT	PAPER NUMBER
1634	14

DATE MAILED: 06/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

***Notice of Non-Responsive Amendment***

1. The reply filed on March 15, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s). See 37 CFR 1.111.
2. In the reply of March 15, 2002, Applicant provisional elected "the species of claim 23." However, claim 23 encompasses numerous distinct species. As stated in paragraph 6 of the Election/Restriction of paper no. 12:

...claim 23 encompasses detection of several different species consisting of 'at least two abnormal quantities' selected from those recited in the claim. Thus, claim 23 encompasses several different combinations of two 'abnormal quantities,' several different combinations of three 'abnormal quantities,' etc. These combinations are distinct from one another, as each combination requires detection of variations in levels of structurally and functionally distinct entities. Further, a reference teaching, e.g., detection of "decreased oxalic acid" and "decreased serine" in association with Down Syndrome would not render obvious detection of, e.g., "increased homocysteine" and "increased normetanephrine".

(emphasis added)

The Election/Restriction further stated that "Applicant is required under 35 U.S.C. 121 to elect a **single disclosed species** for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable." The reply of paper no. 13 is not fully responsive because a single species has not been elected.

3. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 703/305-0761. The examiner can normally be reached on Monday-Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached on 703/308-1152. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-0196.

Diana B. Johannsen  
June 5, 2002



W. Gary Jones  
Supervisory Patent Examiner  
Technology Center 1600